

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*West Boca Medical Center, Inc. v.
AmerisourceBergen Drug Corp., et al.,
Case No. 1:18-op-45530*

MDL No. 2804

Case No. 1:17-MD-2804

Hon. Dan A. Polster

PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITIES

Plaintiff West Boca Medical Center, Inc., hereby gives notice of supplemental authorities recently issued that support Plaintiff's opposition to the motions to dismiss filed in the above-captioned case. *See* Doc. 806.

Plaintiff writes to provide the Court with two recent decisions by the West Virginia Mass Litigation Panel in *West Virginia University Hospitals, Inc., et al. v. Purdue Pharma L.P., et al.*, Case Nos. 19-C-69 MSH to 19-C-88 MSH and 19-C-134 MSH to 19-C-139 MSH (Feb. 19, 2020) (Attached as Exhibit A), and *West Virginia University Hospitals, Inc., et al. v. McKesson Corporation and Tim Ashworth*, Case Nos. 19-C-215 MSH to 19-C-239 (Feb. 19, 2020) (Attached as Exhibit B). The decisions denied a series of motions to dismiss by opioid manufacturers, distributors and pharmacies and upheld the hospital plaintiffs' claims for negligence, nuisance, unjust enrichment, fraud and deceit, civil conspiracy, negligent and intentional diversion and distribution and fraudulent concealment. The Court held that the hospital plaintiffs' complaint "sufficiently states claims upon which relief can be granted, and the Defendants have not demonstrated that Plaintiffs can prove no set of facts in support of their claims which would entitle them to relief." Ex. A at 3. *See also* Ex. B at 2 (same).

The rulings provide further support for denying the pending motions to dismiss in this action.

Dated: February 19, 2020

Respectfully submitted,

/s/ Don Barrett

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CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2020 a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

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